

<b>State of Vermont Agency of Human Services Department of Corrections</b>	<b>Title: Use of Force – Field and Threats on Staff</b>  <b>INTERIM PROCEDURE</b>		<b>Page 1 of 9</b>			
	<b>“A” Security Level</b>					
<b>Attachments, Forms &amp; Companion Documents: N/A</b>						
<b>Local Procedure(s) Required: Yes</b> <b>Applicability: All field staff</b> <b>Security Level: “A” – only Department staff may have access to this document.</b>						
<b>Approved:</b>  <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> <u>Robert D. Hofmann, Commissioner</u> </td> <td style="width: 25%; text-align: center;"> <u>June 30, 2006</u>  <b>Date Signed</b> </td> <td style="width: 25%; text-align: center;"> <u>July 31, 2006</u>  <b>Date Effective</b> </td> </tr> </table>				<u>Robert D. Hofmann, Commissioner</u>	<u>June 30, 2006</u> <b>Date Signed</b>	<u>July 31, 2006</u> <b>Date Effective</b>
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## PURPOSE

The purpose of this interim procedure is to provide direction for Vermont Department of Corrections field staff regarding the use of physical force with offenders on furlough and other legal statuses in the community.

## POLICY

The Vermont Department of Corrections recognizes that the potential for conflict is inherent in custodial and supervisory relationships with offenders. Conflict spans a spectrum from passive resistance to physical violence. It is the policy of the Department to utilize non-violent conflict resolution, although, on occasion, physical force becomes necessary. Conflict shall be resolved at the lowest level compatible with the safety of staff, the public and offenders. Staff shall use force on offenders only when alternatives to physical force are not adequate to maintain the safety of staff, the public and offenders. The level of conflict resolution utilized must be only that which is reasonable and necessary to maintain such safety.

## AUTHORITY & REFERENCE

28 V.S.A. Chapter 3 §§ 101(1), 102 (1) (a), 103(c), (5), (6), 601 (1), (2), (3), (4), 808, 851(b); 13 V.S.A. § 1501(b)(2).

## DEFINITIONS

ACT (Advanced Communication Techniques): A Department training for correctional staff in verbal skills for interacting with and successfully confronting inmates.

APCT (Advanced Physical Control Techniques): A Department training for correctional staff in physical skills for confronting inmates.

Chemical Agent: Chemical compounds that when deployed are designed to cause sufficient physiological effect to stop, control or temporarily immobilize an individual, such as OC (oleoresin capsicum). Also known as “foreign agent”.

Dangerous Behavior: Any behavior that causes a situation where there is a risk of injury to staff, offenders or others.

Emergency: Any situation where the failure of an individual to take immediate action would place themselves or another at risk of death or bodily harm.

Escape from Custody: When an offender who is on furlough escapes or attempts to escape from lawful custody in accordance with Vermont Law (28 V.S.A. §808 and 13 V.S.A. § 1501(b)(2).)

Excessive Force: A type or amount of force beyond that which is reasonably necessary to control the situation and achieve the correctional objective or the continued use of force after it is not longer reasonably necessary.

Force: Any action within the force continuum by a staff member intended to compel an offender to act or cease acting.

Necessary Force: Only the amount of force required to subdue an offender to prevent injury, damage or to carry out the legal order.

Oleoresin Capsicum (OC): A product using tincture of oleoresin capsicum derived from cayenne pepper (its active agent) that when deployed is designed to cause sufficient physiological effect to stop control or temporarily immobilize an individual.

Physical Force: The use of hands, other parts of the body, objects, instruments, chemical devices, electronic devices, firearms or other physical methods used to restrain, subdue, control, intimidate or to compel persons to act in a particular way or to stop acting in a particular way.

Reasonable Force: The use of physical force to achieve a legitimate correctional objective where the type and amount of force are consistent with the situation and the objective to be achieved; and where alternatives to physical force are unavailable or ineffective and where the force used is the minimum necessary to control the situation.

Restraints: Items to control or restrain movement of offenders, such as handcuffs, flex cuffs, leg irons, waist restraints.

Weapon: Any firearm, device, instrument, material or substance, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury. (excerpted from Vermont Law).

Use of Force: Any situation in which staff uses physical force against an offender, except those situations in which security restraints are used in a standard manner for escort or transport.

## INTERIM PROCEDURAL GUIDELINES

### USE OF FORCE – FIELD

It is the policy of the Department to utilize non-violent conflict resolution, although, on occasion, physical force becomes necessary. Staff shall use force on offenders only when alternatives to physical force are not adequate to maintain the safety of staff, the public and offenders. The level of conflict resolution utilized must be only that which is reasonable and necessary to maintain such safety.

#### 1. Use of Force General Guidelines

- a. When an offender's behavior represents a danger, staff has a responsibility to respond. Dangerous behavior includes assaultive behavior, offender self-harm and situations that require staff to physically move an offender who is noncompliant. In response to dangerous behavior, force may be employed consistent with ACT and APCT skills.
- b. Staff shall avoid creating a circumstance which will result in the staff person having to use force to control it. Force shall only be used when absolutely necessary to protect oneself or others from immediate harm.
- c. Prior to the use of force, staff will give the offender clear directions and a choice to cooperate.
- d. Physical force shall only be used when there is a control advantage. Management strategies shall be utilized that minimize the likelihood of injury to all involved.
- e. Only staff trained in the use of force should engage in the use of force. However, staff who have not been trained may use force to protect themselves in self-defense.

f. [REDACTED]

2. When Force May be Used

Trained staff may use physical force, following the above guidelines, only when:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]

3. Types of Force

a. *Physical Handling* - A level of force available to trained correctional field staff in the use of physical restraint and control.

- i. [REDACTED]
- ii. [REDACTED]

b. *Use of Restraints or Chemical Agents*

- i. [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

- [REDACTED]
- ii. Authorized restraints (when necessary) include:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- iii. Inmates will not be confined in an unnatural or unsafe position (hog-tied, face-down or spread-eagle)
- iv. [REDACTED]  
[REDACTED]

4. Arrests of Offenders on Probation, Parole or Supervised Community Sentence (SCS) status

- a. [REDACTED]
- b. [REDACTED]
  - i. [REDACTED]
  - ii. [REDACTED]
  - iii. [REDACTED]
  - iv. [REDACTED]
  - v. [REDACTED]

- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]

#### 5. Disturbance in a Field Office

- a. If an offender present in a field office demonstrates dangerous behavior, staff may use appropriate force.
- b. [REDACTED]

#### 6. Injuries and Medical Review

Each District Manager will promulgate procedures to ensure that the following occurs if staff, offenders or other persons are injured during a use of force incident:

- a. All persons involved will be assessed immediately for injuries that may have occurred during the use of force on an offender.
- b. Staff will call for emergency assistance if anyone is injured during use of force.
- c. Staff involved in any use of force shall report to the District Manager if any injury occurs to them or there are observable injuries to others, including those that may not require immediate medical attention.
- d. Staff will document the above by completing an incident report and *1<sup>st</sup> Report of Injury*, if appropriate.

## 7. Documentation of Use of Force

- a. Debriefing and documentation of events from inception to completion will be conducted by the completion of the work day.
- b. Every use of force shall be documented in accordance with the departmental directive on incident reporting. A *Use of Force Report* will include:
  - i. An accounting of the events leading to the use of force;
  - ii. An accurate and precise description of the incident, force used and reasons for employing force;
  - iii. A description of the weapon, if any, and the manner in which it was used;
  - iv. A description of the injuries suffered, if any, and the treatment given and/or received;
  - v. A list of all participants and witnesses to the incident.

## 8. Investigations

- a. If a staff person or offender alleges that excessive force has been used in a situation by staff, the District Manager will determine the level of investigation needed, in consultation with the Agency of Human Services Investigations Unit.
- b. The District Manager will report any alleged use of force to the Field Services Executive and Facility Executive or designee.

## THREATS ON STAFF

All threats on the life of staff are to be considered serious matters and evaluated to determine what safety precautions are necessary.

1. [REDACTED]

a. [REDACTED]

b. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

c. [REDACTED]

- [REDACTED]
- [REDACTED]



2. [REDACTED]

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]

3. The Casework Supervisor will:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED];
- d. [REDACTED]
- e. [REDACTED]
- f. [REDACTED]
- g. [REDACTED]
- h. [REDACTED]

4. The District Manager will:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]

5. The Field Services Executive or designee/ Facility Executive or designee will:

- a. [REDACTED]
- b. [REDACTED]

6. [REDACTED]

- a. [REDACTED]
- b. [REDACTED]



- i. [REDACTED]
- ii. [REDACTED]
- iii. [REDACTED]
- iv. [REDACTED]
- v. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
  - i. [REDACTED]
  - ii. [REDACTED]
  - iii. [REDACTED]
  - iv. [REDACTED] s
  - v. [REDACTED]
  - vi. [REDACTED]
  - vii. [REDACTED]
  - viii. [REDACTED]
  - ix. [REDACTED]